

**PATENT****IBM Docket No. RAL9-1999-0036US1****In the United States Patent and Trademark Office****RECEIVED  
CENTRAL FAX CENTER****SEP 01 2004****Date:** September 1, 2004**In re Application of:** Earl Hardin Booth III et al**Filed:** August 2, 2000**For:** System and Method to Verify Availability of a Back-up Secure Tunnel**Serial Number:** 09/630,779**Art Unit:** 2137**Examiner:** Nguyen, Minh Dieu  
T**Amendment**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to an Office action mailed May 7, 2004. A request for the necessary one-month extension of time in which to respond accompanies this paper.

The Office action includes a requirement for restriction to either an invention defined by claims 1 - 37 or an invention defined by claims 38 - 45. Claims 38 - 45 are being canceled.

The Office action also contains a nonstatutory double patenting rejection of claims 1 - 37 over US patent 6,668,282 in view of US patent 6,230,281. IBM Corporation is the owner of all right, title and interest in both US patent 6,668,282 and the present application.

A Terminal Disclaimer under 37 CFR 1.321 is being filed concurrently with this paper.

09/630,779 (RAL919990036US1)

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